

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, MARCH 3, 2022

SECRETARY'S OFFICE
ELECTRONIC CONTROL CENTER
2022 MAR -3 A 10: 20

APPLICATION OF

GOOD ENERGY, LP

CASE NO. PUR-2022-00013

For a license to conduct business as a
competitive service provider

ORDER FOR NOTICE AND COMMENT

On February 14, 2022, Good Energy, LP ("Good Energy" or "Company"), completed the filing of an application ("Application") with the State Corporation Commission ("Commission") for a license to conduct business as a competitive service provider. Good Energy seeks authority to provide electric and natural gas aggregation service to eligible commercial, industrial, and governmental customers throughout Virginia.¹ In its Application, the Company attested that it would abide by all applicable regulations of the Commission as required by 20 VAC 5-312-40 B of the Commission's Rules Governing Retail Access to Competitive Energy Services.² Along with its Application, Good Energy also filed a Motion for Entry of a Protective Order ("Motion") pursuant to 5 VAC 5-20-170 of the Commission's Rules of Practice and Procedure ("Rules of Practice").³

¹ Retail choice for natural gas service presently exists only in the service territories of Washington Gas Light Company and Columbia Gas of Virginia, Inc. Access to large commercial and industrial gas customers in all gas distribution service territories has existed under Federal Energy Regulatory Commission authority since the mid-1980s. Retail choice for electricity exists only in the service territories of Virginia Electric and Power Company, Appalachian Power Company, and the electric cooperatives. Moreover, retail choice for electricity is permitted only pursuant to the customer classes, load parameter, and renewable energy sources as set forth in the Code of Virginia ("Code").

² 20 VAC 5-312-10 *et seq.*

³ 5 VAC 5-20-10 *et seq.*

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that this matter should be docketed; Good Energy should provide notice of its Application to appropriate persons; interested persons should have an opportunity to comment on the Application; and the Commission's Staff ("Staff") should be directed to investigate the Application and present its findings in a report ("Staff Report"). We further find that a Hearing Examiner should be appointed to rule on all discovery matters that arise during the course of this proceeding, including ruling on the Company's Motion.

The Commission takes judicial notice of the ongoing public health issues related to the spread of the coronavirus, or COVID-19. The Commission has taken certain actions, and may take additional actions going forward, which could impact the procedures in this proceeding.⁴ Consistent with these actions, the Commission will, among other things, direct the electronic filing of testimony and pleadings, unless they contain confidential information, and require electronic service on parties to this proceeding.

Accordingly, IT IS ORDERED THAT:

- (1) This matter is docketed and assigned Case No. PUR-2022-00013.
- (2) All pleadings in this matter shall be submitted electronically to the extent authorized by Rule 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

⁴ See, e.g., *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic Service of Commission Orders*, Case No. CLK-2020-00004, 2020 S.C.C. Ann. Rept. 76, Order Concerning Electronic Service of Commission Orders (Mar. 19, 2020), *extended by* 2020 S.C.C. Ann. Rept. 77, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency*, Case No. CLK-2020-00005, 2020 S.C.C. Ann. Rept. 77, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (Mar. 19, 2020) ("Revised Operating Procedures Order"), *extended by* 2020 S.C.C. Ann. Rept. 78, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic service among parties during COVID-19 emergency*, Case No. CLK-2020-00007, 2020 S.C.C. Ann. Rept. 79, Order Requiring Electronic Service (Apr. 1, 2020).

Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. Any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.⁵

(3) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Rules of Practice, the Commission directs that service on parties and the Staff in this matter shall be accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, parties and the Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk so that no party or the Staff is impeded from preparing its case.

(4) As provided by Code § 12.1-31 and 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Rules of Practice, a Hearing Examiner is appointed to rule on any discovery issues that arise during the course of this proceeding, including ruling on the Company's Motion.

(5) Any interested person may request a public copy of the Application, accompanying materials, and this Order by directing a request in writing to Jean Ketchandji, Director, Pricing & Operations, Good Energy, LP, 232 Madison Avenue, Third Floor, New York, New York 10016, jean@goodenergy.com. The Company shall, within three (3) days of receipt of such request, serve the requested documents upon the person making such request. A copy of the Application

⁵ As noted in the Revised Operating Procedures Order, submissions to the Commission's Clerk's Office via U.S. mail or commercial mail equivalents may be subject to delayed processing due to the COVID-19 public health issues. *See supra* n.4.

also may be viewed or downloaded from the Commission's website:

scc.virginia.gov/pages/Case-Information.

(6) On or before March 10, 2022, Good Energy shall serve a copy of this Order upon the utilities listed on Attachment A to this Order.⁶

(7) On or before March 17, 2022, the Company shall file with the Clerk of the State Corporation Commission, at scc.virginia.gov/clk/efiling/, proof of service upon the utilities listed on Attachment A to this Order as required by Ordering Paragraph (6).

(8) On or before March 24, 2022, any interested person may submit comments on the Application by following the instructions found on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. A copy of such comments shall be served upon the Company at the email addresses set forth in Ordering Paragraph (5). Such comments simultaneously shall be sent to Richard Michaux, Principal Utility Compliance Specialist, at Richard.Michaux@scc.virginia.gov.⁷ All comments shall refer to Case No. PUR-2022-00013.

(9) The Staff shall analyze Good Energy's Application and shall present its findings in a Staff Report to be filed on or before March 31, 2022.

⁶ See the Commission's Order Requiring Electric Service in Case No. CLK-2020-00007, *supra* n.4.

⁷ Those without access to electronic mail may serve a copy of such comments on the Company at the address in Ordering Paragraph (5) and on Richard Michaux, Principal Utility Compliance Specialist, State Corporation Commission, Division of Utility Accounting & Finance, P.O. Box 1197, Richmond, Virginia 23218.

(10) On or before April 7, 2022, the Company may file with the Clerk of the Commission, at scc.virginia.gov/clk/efiling/, any response to the Staff Report and to any comments filed in this proceeding.

(11) All documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified herein, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

(12) The Company shall respond to written interrogatories or data requests within five (5) calendar days after the receipt of the same. Interrogatories and data requests, as well as the responses thereto, shall be transmitted via electronic mail to the extent possible. Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(13) This matter is continued.

A COPY hereof shall be sent electronically by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission.

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